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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,794	01/14/2002	Norio Nakayama	F-7284	5593
28107	7590	12/16/2004	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/047,794

**Applicant(s)**

NAKAYAMA ET AL.

**Examiner**

Saleh Najjar

**Art Unit**

2157

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. This action is responsive to the application filed on January 14, 2002. Claims 1-10 are pending. Claims 1-10 represent apparatus method and program for controlling progress of net-game.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli, U.S. Patent No. 6,549,768 (referred to hereafter as Frac).

Frac teaches the invention substantially as claimed including a system and method for matching mobile users based on user profile (see abstract).

As to claim 1, Frac teaches a server device for a net matching applicable on a network and enabling data communication with mobile communication terminals registered as members, the server device comprising:

organizing means for organizing groups consisting of specified number of members upon a member registration request from the respective mobile communication terminals, question storage means for storing contents of a plurality of questions (see figs. 1-2; col. 4, lines 39-50; col. 5, lines 1-10, Frac discloses that a server stores prompts directed toward members having profiles organized in groups based on a matching algorithm at the server);

question preparing means for selecting and preparing a specified number of questions from the contents stored in the question storage means (see col. 5, lines 25-40, Frac discloses a profile storage for storing prompt answers entered by users),

transmitting/receiving means for transmitting the prepared questions to the respective mobile communication terminals in the group and receiving an answer information from the respective mobile communication terminals corresponding to the questions presented on monitors of the respective mobile communication terminals (see

col. 8, lines 45-55, Frac discloses that the server transmits and receives from users profile data having answers to prompts presented on the display monitor of the client),

first answer information storage means for storing the answer information correspondence with the respective mobile communication terminals (see col. 8, lines 30-45, Frac discloses that profiles are stored and matched at the server), and

congeniality judging means for judging the congeniality of each possible terminals in the group based on the respective pieces of answer information stored in the first answer information storage means and pairing the mobile communication terminals having the answer pair of the respective mobile communication information showing congeniality (see col. 9, lines 1-60; col. 10, lines 1-10, Frac discloses that the server performs a comparison of profiles for matching).

Frac fails to teach the limitation of a netgame server. Frac does teach that the mobile communication system implements profile matching for mobile users having browsing capabilities (see col. 7-10).

“Official Notice” is taken that the concept and advantages of implementing a netgaming service is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frac by implementing the matching service in a netgame environment. One would be motivated to do so to implement a multi-player netgame environment.

As to claim 2, Frac teaches the server device according to claim 1, further comprising:

question drafting means for letting one of the paired mobile communication terminals draft a specified number of questions and expected answers thereto based on the storage contents of the question storage means in order to transmit the questions and the possible answers to the partner (see col. 9-10, Frac discloses that the mobile user gets an opportunity to modify the profile based on the presented prompts),

second answer information storage means for storing the questions transmitted from the one communication terminals and an information on answers transmitted

from the partner with the respective mobile communication terminals (see col. 9, lines 1-50; col. 10, lines 1-30, Frac discloses that matching profile lists are transmitted to users upon which further filtering may be performed), and

information exchanging means for judging degree of congeniality based on the respective pieces of answer information mobile communication terminal in correspondence stored expected answers and permitting an information exchange in the second answer information storage means and said the paired mobile communication terminals if the degree of congeniality is high (see col. 9, lines 1-50; col. 10, lines 1-50, Frac discloses that paired mobiles with matching profiles are provided a way to communicate with each other).

As to claim 3, Frac teaches a server device according to claim 1, wherein the drafting means enables the paired mobile communication question terminals to select the questions and the expected answers from the storage contents of the question storage means and to draft a specified number of questions (see col. 9, lines 40-60).

As to claim 4, Frac teaches the server device according to claim 1, wherein the information exchange means includes access setting means for permitting the paired mobile communication terminals selected to set an access time and an imaginary place in a communication space, and an access judging means for judging whether an access has been made at the set access time and place by both players through the paired mobile communication terminals respectively (see col. 10).

As to claim 5, Frac teaches the server device according to claim 1 wherein mailbox is given to each of the paired mobile communication terminals judged to have accessed by the access judging means (see col. 9, lines 25-40).

As to claim 6, Frac teaches the server device according to claim 1 further comprising individual data storage means for storing possession information of mailboxes in correspondence with the registered members (see col. 9, lines 30-45).

As to claim 7, Frac teaches the server device according to claim 1, further comprising ranking means for ranking the members in a decreasing order of possessed mailboxes and making the ranking readable in the server device (see col. 9, lines 40-50).

Claims 8-10 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar  
Primary Examiner / Art Unit 2157